

08CV3753

JS 44C/SDNY
REV. 12/2005

CIVIL COVER SHEET

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for use of the Clerk of Court for the purpose of initiating the civil docket sheet.

Buchwald

PLAINTIFFS

UNITED STATES OF AMERICA

DEFENDANTS

DELPHI CORPORATION, ET AL.

ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)

United States Attorney's Office, 86 Chambers St., NY, NY
10007; Attn: Matthew L. Schwartz, AUSA; (212) 637-1945

ATTORNEYS (IF KNOWN)

Skadden, Arps, Slate, Meagher & Flom LLP, 333 West
Wacker Drive, Suite 2100, Chicago, IL; Attn: John K. Lyons

CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE)

Appeal pursuant to 28 U.S.C. § 158(a) from Order, which was entered on March 6, 2008

Has this or a similar case been previously filed in SDNY at any time? No ☒ Yes? ☐ Judge Previously AssignedIf yes, was this case Vol ☐ Invol. ☐ Dismissed. No ☐ Yes ☐ If yes, give date _____ & Case No. _____

(PLACE AN [x] IN ONE BOX ONLY)

NATURE OF SUIT

05-44481 #13129.

ACTIONS UNDER STATUTES

TORTS		FORFEITURE/PENALTY		BANKRUPTCY		OTHER STATUTES	
CONTRACT	PERSONAL INJURY	PERSONAL INJURY	<input type="checkbox"/> 810 AGRICULTURE	<input checked="" type="checkbox"/> 422 APPEAL	<input type="checkbox"/> 400 STATE		
<input type="checkbox"/> 110 INSURANCE	<input type="checkbox"/> 310 AIRPLANE	<input type="checkbox"/> 362 PERSONAL INJURY -	<input type="checkbox"/> 820 FOOD & DRUG	<input type="checkbox"/> 28 USC 158	<input type="checkbox"/> 410 REAPPORTIONMENT		
<input type="checkbox"/> 120 MARINE	<input type="checkbox"/> 315 AIRPLANE PRODUCT	<input type="checkbox"/> MED MALPRACTICE	<input type="checkbox"/> 625 DRUG RELATED	<input type="checkbox"/> 423 WITHDRAWAL	<input type="checkbox"/> 430 ANTI-TRUST		
<input type="checkbox"/> 130 MILLER ACT	<input type="checkbox"/> LIABILITY	<input type="checkbox"/> 365 PERSONAL INJURY	<input type="checkbox"/> SEIZURE OF	<input type="checkbox"/> 28 USC 157	<input type="checkbox"/> 430 BANKS & BANKING		
<input type="checkbox"/> 140 NEGOTIABLE	<input type="checkbox"/> 320 ASSAULT, LIBEL &	<input type="checkbox"/> PRODUCT LIABILITY	<input type="checkbox"/> PROPERTY		<input type="checkbox"/> 450 COMMERCE/CC		
<input type="checkbox"/> INSTRUMENT	<input type="checkbox"/> SLANDER	<input type="checkbox"/> 366 ASBESTOS PERSONAL	<input type="checkbox"/> 21 USC 881	PROPERTY RIGHTS	<input type="checkbox"/> RATES/ETC		
<input type="checkbox"/> 160 RECOVERY OF	<input type="checkbox"/> 330 FEDERAL	<input type="checkbox"/> INJURY PRODUCT	<input type="checkbox"/> 630 LIQUOR LAWS	<input type="checkbox"/> 820 COPYRIGHTS	<input type="checkbox"/> 460 DEPORTATION		
<input type="checkbox"/> OVERPAYMENT &	<input type="checkbox"/> EMPLOYERS'	<input type="checkbox"/> LIABILITY	<input type="checkbox"/> 640 RR & TRUCK	<input type="checkbox"/> 830 PATENT	<input type="checkbox"/> 470 RACKETEER INFLU-		
<input type="checkbox"/> ENFORCEMENT OF	<input type="checkbox"/> LIABILITY	PERSONAL PROPERTY	<input type="checkbox"/> 650 AIRLINE REGS	<input type="checkbox"/> 840 TRADEMARK	<input type="checkbox"/> ENCED & CORRUPT		
<input type="checkbox"/> JUDGMENT	<input type="checkbox"/> 340 MARINE	<input type="checkbox"/> 370 OTHER FRAUD	<input type="checkbox"/> 660 OCCUPATIONAL		<input type="checkbox"/> ORGANIZATION ACT		
<input type="checkbox"/> 151 MEDICARE ACT	<input type="checkbox"/> 345 MARINE PRODUCT	<input type="checkbox"/> 371 TRUTH IN LENDING	<input type="checkbox"/> SAFETY/HEALTH	SOCIAL SECURITY	<input type="checkbox"/> (RICO)		
<input type="checkbox"/> 152 RECOVERY OF	<input type="checkbox"/> LIABILITY	<input type="checkbox"/> 380 OTHER PERSONAL	<input type="checkbox"/> 690 OTHER	<input type="checkbox"/> 861 MIA (1395FF)	<input type="checkbox"/> 480 CONSUMER CREDIT		
<input type="checkbox"/> DEFAULTED	<input type="checkbox"/> 350 MOTOR VEHICLE	<input type="checkbox"/> PROPERTY DAMAGE	LABOR	<input type="checkbox"/> 862 BLACK LUNG (923)	<input type="checkbox"/> 490 CABLE/SATELLITE TV		
<input type="checkbox"/> STUDENT LOANS	<input type="checkbox"/> 355 MOTOR VEHICLE	<input type="checkbox"/> 385 PROPERTY DAMAGE	<input type="checkbox"/> 710 FAIR LABOR	<input type="checkbox"/> 863 DIWC (405(g))	<input type="checkbox"/> 810 SELECTIVE SERVICE		
<input type="checkbox"/> (EXCL VETERANS)	<input type="checkbox"/> PRODUCT LIABILITY	<input type="checkbox"/> PRODUCT LIABILITY	<input type="checkbox"/> 720 LABOR/MGMT	<input type="checkbox"/> 864 SSID TITLE XVI	<input type="checkbox"/> 850 SECURITIES/		
<input type="checkbox"/> 153 RECOVERY OF	<input type="checkbox"/> 360 OTHER PERSONAL		<input type="checkbox"/> 730 LABOR/MGMT	<input type="checkbox"/> 865 RSI (405(g))	<input type="checkbox"/> COMMODITIES/		
<input type="checkbox"/> OVERPAYMENT OF	<input type="checkbox"/> INJURY		<input type="checkbox"/> REPORTING &		<input type="checkbox"/> EXCHANGE		
<input type="checkbox"/> VETERAN'S BENEFITS			<input type="checkbox"/> DISCLOSURE ACT	FEDERAL TAX SUITS	<input type="checkbox"/> 875 CUSTOMER		
<input type="checkbox"/> 160 STOCKHOLDERS SUITS			<input type="checkbox"/> 740 RAILWAY LABOR ACT	<input type="checkbox"/> 870 TAXES	<input type="checkbox"/> CHALLENGE		
<input type="checkbox"/> 180 OTHER CONTRACT			<input type="checkbox"/> 750 OTHER LABOR	<input type="checkbox"/> 871 IRS-THIRD PARTY	<input type="checkbox"/> 12 USC 3410		
<input type="checkbox"/> 195 CONTRACT PRODUCT			<input type="checkbox"/> LITIGATION	<input type="checkbox"/> 20 USC 7809	<input type="checkbox"/> 891 AGRICULTURE ACTS		
<input type="checkbox"/> LIABILITY			<input type="checkbox"/> 791 EMPL RET INC		<input type="checkbox"/> 892 ECONOMIC		
<input type="checkbox"/> 196 FRANCHISE			<input type="checkbox"/> SECURITY ACT		<input type="checkbox"/> STABILIZATION ACT		
					<input type="checkbox"/> 893 ENVIRONMENTAL		
					<input type="checkbox"/> MATTERS		
					<input type="checkbox"/> 894 ENERGY		
					<input type="checkbox"/> ALLOCATION ACT		
					<input type="checkbox"/> 895 FREEDOM OF		
					<input type="checkbox"/> INFORMATION ACT		
					<input type="checkbox"/> 900 APPEAL OF FEE		
					<input type="checkbox"/> DETERMINATION		
					<input type="checkbox"/> UNDER EQUAL ACCESS		
					<input type="checkbox"/> TO JUSTICE		
					<input type="checkbox"/> 950 CONSTITUTIONALITY		
					<input type="checkbox"/> OF STATE STATUTES		
					<input type="checkbox"/> 890 OTHER STATUTORY		
					<input type="checkbox"/> ACTIONS		

Check # demanded in complaint:

CHECK IF THIS IS A CLASS ACTION
UNDER F.R.C.P. 23DO YOU CLAIM THIS CASE IS RELATED TO A CIVIL CASE NOW PENDING IN S.D.N.Y.?
IF SO, STATE:

DEMAND \$ _____ OTHER _____ JUDGE _____ DOCKET NUMBER _____

Check YES only if demanded in complaint

JURY DEMAND: ☐ YES ☐ NO

NOTE: Please submit at the time of filing an explanation of why cases are deemed related.

(SEE REVERSE)

(PLACE AN x IN ONE BOX ONLY)

ORIGIN

- ☒ 1 Original Proceeding ☐ 2a. Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from (Specify District) ☐ 6 Multidistrict Litigation ☐ 7 Appeal to District Judge from Magistrate Judge Judgment
- ☐ 2b. Removed from State Court
AND at least one party is a pro se litigant

(PLACE AN x IN ONE BOX ONLY)

BASIS OF JURISDICTION

- ☒ 1 U.S. PLAINTIFF ☐ 2 U.S. DEFENDANT ☐ 3 FEDERAL QUESTION (U.S. NOT A PARTY) ☐ 4 DIVERSITY

IF DIVERSITY, INDICATE
CITIZENSHIP BELOW.
(28 USC 1332, 1441)

CITIZENSHIP OF PRINCIPAL PARTIES (FOR DIVERSITY CASES ONLY)

(Place an [X] in one box for Plaintiff and one box for Defendant)

	PTF	DEF		PTF	DEF		PTF	DEF
CITIZEN OF THIS STATE	[]	[]	CITIZEN OR SUBJECT OF A FOREIGN COUNTRY	[]	[]	INCORPORATED and PRINCIPAL PLACE OF BUSINESS IN ANOTHER STATE	[]	[]
CITIZEN OF ANOTHER STATE	[]	[]	INCORPORATED or PRINCIPAL PLACE OF BUSINESS IN THIS STATE	[]	[]	FOREIGN NATION	[]	[]

PLAINTIFF(S) ADDRESS(ES) AND COUNTY(IES)

United States of America
c/o United States Attorney's Office
Southern District of New York
86 Chambers Street, 3rd Floor
New York, New York 10007

DEFENDANT(S) ADDRESS(ES) AND COUNTY(IES)

Delphi Corporation
Attn: General Counsel
5725 Delphi Drive
Troy, Michigan 48098

DEFENDANT(S) ADDRESS UNKNOWN

REPRESENTATION IS HEREBY MADE THAT, AT THIS TIME, I HAVE BEEN UNABLE, WITH REASONABLE DILIGENCE, TO ASCERTAIN THE RESIDENCE ADDRESSES OF THE FOLLOWING DEFENDANTS:

Check one: THIS ACTION SHOULD BE ASSIGNED TO: ☐ WHITE PLAINS ☒ FOLEY SQUARE
(DO NOT check either box if this is a PRISONER PETITION.)

DATE SIGNATURE OF ATTORNEY OF RECORD

3/25/2008

RECEIPT #

ADMITTED TO PRACTICE IN THIS DISTRICT

[] NO

[x] YES (DATE ADMITTED Mo. July Yr. 2004)

Attorney Bar Code #

Magistrate Judge is to be designated by the Clerk of the Court.

Magistrate Judge _____ is so Designated.

J Michael McMahon, Clerk of Court by _____ Deputy Clerk, DATED _____

UNITED STATES DISTRICT COURT (NEW YORK SOUTHERN)